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<b>Company:</b>	U.S. Patent & Trademark Office	<b>Date:</b>	May 8, 2003
<b>Fax:</b>	(703) 872-9315	<b>Pages:</b>	4 (including coversheet)
<b>Your Re:</b>	09/473,740	<b>Our Re:</b>	ITL0327US (P8030)
<input type="checkbox"/> <b>Urgent</b> <input type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>Please Comment</b> <input type="checkbox"/> <b>Please Reply</b> <input type="checkbox"/> <b>Confirm Receipt</b>			

## MESSAGE:

**Applicant:** Hongjiang Song  
**Serial No.** 09/473,740  
**Filing Date:** December 28, 1999  
**Title:** Synchronization Detection Architecture For Serial Data Communications

### 1. Request For Reconsideration

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	Hongjiang Song	§	Art Unit:	2631
Serial No.:	09/473,740	§		
Filed:	December 28, 1999	§	Examiner:	Don Nguyen Vo
Title:	Synchronization Detection Architecture for Serial Data Communication	§	Docket No.	ITL.0327US (P8030)

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

REQUEST FOR RECONSIDERATION

Dear Sir:

In a Final Office Action mailed on March 13, 2003, the Examiner maintained the § 103 rejections of claims 1-20. Based on the Examiner's remarks, the Examiner is contending that the Background section of the application (the alleged Applicant's admitted prior art ("AAPA")) is being relied on to teach "detecting whether some of the incoming bits indicate a synchronization field during the buffering of the incoming bit," and Kline is being relied on to teach, "to accommodate a difference between a first rate of incoming data and a second rate of outgoing data." Final Office Action, 4. On this basis, the Examiner concludes that claims 1-20 are obvious. However, reconsideration of the Examiner's rejections is respectfully requested for the following reasons.

First, the Examiner fails to establish a *prima facie* case of obviousness due to the failure to show any support in the prior art for the alleged suggestion or motivation to combine Kline and/or the alleged AAPA to derive missing claim limitations. The Examiner selectively combines elements from the alleged AAPA and Klein in a piecemeal fashion without showing any support in the prior art for the suggestion or motivation to combine these references and/or modify the references as set forth by the Examiner. This is improper, as the Examiner must cite to language in the prior art to establish specific support for the alleged suggestion or motivation.

Date of Deposit:	May 8, 2003
I certify that this document and authorization to charge deposit account is being facsimile transmitted to the United States Patent and Trademark Office (Fax No. 703/872-9327) on the date indicated above.	
Janice M. Muroz	

*Ex parte Gambogi*, 62 USPQ2d 1209, 1212 (Bd. Pat. App. & Int. 2001); *In re Rijckaert*, 28 USPQ2d 1955, 1957 (Fed. Cir. 1993); M.P.E.P. § 2143.

In fact, the AAPA teaches away from the combination, as the AAPA teaches a data recovery circuit 16 to buffer data that is then provided to a synchronization detection circuit 18. More specifically, the AAPA teaches away from detecting whether bits indicate a synchronization field during the buffering of the bits to accommodate incoming and outgoing data rates. A reference cannot be used in a § 103 rejection when the reference teaches away from the claimed invention. Thus, not only does the Examiner fail to show any support for the alleged suggestion or motivation to combine the AAPA and Klein, the AAPA teaches away from such a combination.

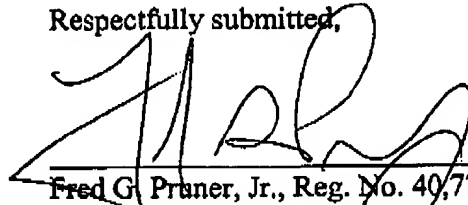
Reconsideration of the § 103 rejections is requested for the additional, independent reason that the Examiner fails to establish a *prima facie* case of obviousness because the Examiner has not shown the teaching or suggestion of all claim limitations in the prior art. *See* M.P.E.P. § 2143. More specifically, the Examiner fails to show where the prior art allegedly teaches determining whether bits indicate a synchronization field during the buffering of these bits to accommodate rates between incoming and outgoing data. In this manner, even assuming, *arguendo*, that the combination of the alleged AAPA and Klein is proper, nothing in either the AAPA or Klein teaches or suggests that one of these operations occurs during the other. Thus, for at least the additional, independent reason that the prior art does not teach or suggest all claim limitations, the Examiner fails to establish a *prima facie* case of obviousness for claims 1-20.

Thus, in view of the comments above, withdrawal of the § 103 rejections of claims 1-20 is requested.

CONCLUSION

In view of the foregoing, withdrawal of the § 103 rejections and a favorable action in the form of a Notice of Allowance are requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504 (ITL.0327US).

Respectfully submitted,



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Date: May 8, 2003